

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 8:10CR189
)
)
v.)
)
ARMANDO OLMEDO-GARCIA,) ORDER
)
)
Defendant.)
)

This matter is before the Court on defendant's motion for revocation of detention order (Filing No. [35](#)). The defendant was indicted on May 18, 2010 (Filing No. [1](#)). However, he was not located until August 23, 2011, when arrested in Hammond, Indiana, using the name of Samuel F. Rosado-Guzman.

At his initial appearance, he waived Rule 5 hearings and was committed to the District of Nebraska to answer to the indictment. On October 27, 2011, he appeared before United States Magistrate Judge Thomas D. Thalken, waived a detention hearing, and was ordered detained pending trial (Filing No. [13](#)). Subsequently on December 9, 2011, he filed a motion for release with conditions (Filing No. [32](#)), which the Magistrate Judge denied on December 14, 2011 (Filing No. [34](#)).

Initially the Court notes that defendant waived a detention hearing. Nothing in the document or the subsequent motion ruled on by the Magistrate Judge suggests he waived the hearing without prejudice. The Court finds that the initial

finding of the Magistrate Judge and defendant's subsequent filing clearly establish that he did not waive his right to a detention hearing without prejudice.

The Court has reviewed all of the filings and finds the Magistrate Judge's initial determination that defendant should be detained pending resolution of the charges against him should be affirmed, and his present motion will be denied. Accordingly,

IT IS ORDERED that defendant's motion for revocation of detention order (Filing No. 35) is denied.

DATED this 16th day of December, 2011.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court